

Application Serial No. 10/044,675

Remarks

Claims 15, 16 and 18 stand objected to due to informalities that Applicant believes have now been addressed with this amendment.

Claims 1-5 and 7 stand rejected under 35 USC 103(a) as being unpatentable over Brown (US 869,689) in view of Murano, et al. (US 5,678,974).

Brown discloses a motor driven rail car pusher that travels along rails and pushes rail cars up and into a car-tipple to be divested of their load. It appears to be particularly directed to both a pusher and a tipple that are not stationary, but capable of travel to any desired distance, on surface tracks like an ordinary locomotive.

Murano et al discloses a system for storing a carrying truck. In particular, it is a system for storing a carrying truck uncoupled from a self-propelled truck at a given storage area where it is parked or stored, with such an arrangement that the carrying truck, after being uncoupled from the self-propelled truck, will automatically change its direction from the passage towards the storage area and then brought thereto.

If one were to modify the apparatus of Brown by utilizing a hitch and attach it to the vehicle, as shown by Murano, et al., the resultant modified apparatus is a motor driven rail car pusher that travels along its rail and pushes the attached rail cars up and into a car-tipple to be divested of its load. This type of modified apparatus would make the process of divesting loads more difficult as each time a car was unloaded, the rail car pusher would have to be unattached from the unloaded car and attached to the next car.

By contrast, the present invention, as currently amended, provides for a vehicle positioning apparatus utilizing an anchored assembly that is fixed relative to the support surface and is further capable of coupling and moving the push bar which in turn moves

Application Serial No. 10/044,675

the attached vehicle relative the support surface.

Claims 9-15 and 17 stand rejected under 35 USC 103(a) as being unpatentable over Brown in view of Murano et al., as previously applied to claims 1-5 and 7, and further in view of Weldy et al. (US 3,722,477) and Jerome (US 6,109,215).

Weldy et al discloses a poultry loading apparatus. The apparatus loads poultry into compartments on trucks from the ground by the use of conveyors. The apparatus is not stationary, but is transportable whereby it is delivered to the loading area, positioned adjacent the vehicle, and then the vehicle is moved relative thereto to load the units.

Jerome discloses a loading and unloading apparatus and method incorporating a sliding floor system. The apparatus includes a conveyor which can be used for loading and unloading poultry to and from storage units on a vehicle.

Applicant respectfully submits that there is a lack of any suggestion to combine these four references, and, furthermore, the subject references, and in particular Brown, are all not analogous art. In any event, assuming such a combination, the resultant modified system includes a motor driven rail car pusher that travels along its rail and pushes the attached rail cars up and into a car-tipple where a telescopic conveyor extends into the car to divest its load. The rail car pusher is then unattached from the unloaded car and attached to the next car.

By contrast, the present invention, as currently amended, provides for a system for unloading livestock from a vehicle utilizing an anchored assembly that is fixed relative to the support surface and is further capable of coupling and moving the push bar which in turn moves the attached vehicle relative the support surface. Accordingly,

Application Serial No. 10/044,675

withdrawal of the subject 103(a) rejection is respectfully submitted.

With this amendment, all grounds for rejecting the present invention are believed to be addressed. Withdrawal of these rejections and allowance of the current claims are therefore respectfully solicited.

Respectfully submitted,

**Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.**

By: 
David M. Mundt, Reg. No. 41,207

Suite 2850
200 West Adams Street
Chicago, Illinois 60606

(312) 984-0144

November 29, 2004